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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 81st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 September 1994, at 10 a.m.

Chairperson: Ms. BADRAN

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Initial report of Indonesia (continued) (CRC/C/3/Add.10 and CRC/C/4/WP.2)

1. The CHAIRPERSON invited the Committee and the delegation of Indonesian to turn to examination of the section in the list of issues (CRC/C/4/WP.2) entitled "Special protection measures", giving particular attention to issues No. 1-5, which read:

Special protection measures

(a) Children in situations of emergency (arts. 22, 38 and 39 of the Convention)

1. What is the minimum age for voluntary and compulsory recruitment to the armed forces?

2. What concrete measures have been taken for the implementation of article 39 of the Convention?

3. Please indicate what measures are taken to restrain armed forces in their response to, for instance, demonstrations in which young people take part as in the case of the November 1991 event in Santa Cruz.

(b) Children in conflict with the law (arts. 37, 39 and 40 of the Convention)

4. Please provide in writing detailed information on the system of administration of juvenile justice and on the situation of children in conflict with the law and, in particular, on the following questions:

- The prohibition of unlawful or arbitrary deprivation of liberty;

- Arrest, detention or imprisonment as a measure of last resort and for the shortest possible period of time;

- The number of children deprived of their liberty and the reasons why;

- The possibility of prompt access to legal and other assistance and of challenging of legality of the deprivation of liberty before a court or other competent, independent and impartial authority;

- Measures taken to implement article 40 of the Convention;

5. Please also provide in writing further information on the treatment of young law offenders and, in particular, on the following questions:

- What types of institutions exist for the custody of young law offenders and what specific official rules are there for their treatment?

- What opportunities are there for contact with families?

- How are the conditions in such institutions monitored?

- Are there complaint procedures in cases of ill-treatment?

- What education and health facilities are there in those institutions?

- What measures are taken for the physical and psychological recovery and social reintegration of children in conflict with the law (art. 39)?

- To what extent have personnel in these institutions received training about the provisions of the Convention and about international rules concerning the treatment of young offenders?

2. Mr. WIDODO (Indonesia) stated that there were no courts of criminal jurisdiction dealing only with children. The number of children deprived of liberty had, however, risen to an estimated 2,375 as of April 1993. Those children had been deprived of liberty for reasons of theft, murder, torture, major criminal offences, immoral acts and gambling. Young offenders were held in police detention in local prisons administered by the police, where they had the right to receive visits from their families and to send and receive mail. The conditions prevailing in those institutions were regularly monitored by the responsible authorities. In addition, high-level officials from the Ministry of Justice could monitor conditions in special cases. In the event of mistreatment, procedures existed under which young offenders could lodge a complaint with the officials in question, who would themselves transmit the complaint to the head of the institution.

3. Educational activities were also provided for children in conflict with the law to ensure their physical and psychological rehabilitation and their reintegration into society. These institutions also had health facilities. Furthermore, mental and psychological readjustment programmes were conducted with the participation of instructors, teachers, sports instructors and religious counsellors. Those programmes were directly administered by the officials in charge of the institutions concerned.

4. Mr. YAHYA (Indonesia) said that prevention programmes based on a community approach also existed for young offenders.

5. Mr. KOLOSOV pointed out that the Indonesian delegation had not responded to a number of questions and might have been more specific on others, relating, for example, to contacts between young offenders and their families, conditions in institutions designed for the police detention of young offenders and the training of staff for such institutions.

6. Mrs. BELEMBAOGO welcomed the provisions described in the report of Indonesia (CRC/C/3/Add.10, para. 107) to the effect that only adults could be sentenced to life imprisonment or death. She hoped that that provision was actually implemented in Indonesia. The Indonesian delegation should provide further clarification on the situation of children in conflict with the law. As of what age could a child be imprisoned? Were the institutions concerned with prevention activities, mentioned by the Indonesian delegation, public or private? Were they assisted by non-governmental organizations? The speaker laid stress on the stipulation in article 37 of the Convention that the arrest, detention or imprisonment of a child "shall be used only as a measure of last resort". It was thus preferable to focus more on prevention and education than on repression.

7. Mr. HAMMARBERG stated that those bodies constituted under international human rights instruments were not empowered to take a stand in political disputes. Consequently, the questions put by the members of the Committee on the situation concerning the rights of the child in East Timor did not imply the taking of any political position on their part. In November 1991, the Committee had sent a telegram to the Government of Indonesia in which it expressed its concern regarding a dramatic incident which had taken place in the city of Dili, in East Timor. On 12 November 1991 a peaceful demonstration attended mostly by children had been brutally broken up by Indonesian security forces. Forty-three children, the youngest of whom was 10 years old, had been killed; 26, the youngest of whom was 6 years old, had disappeared; 37, the youngest of whom was 10 years old, had been injured; and 10, the youngest of whom was 12 years old, had been detained. Admittedly, the Indonesian authorities had taken action against several members of the police; but the situation of the disappeared children had regrettably not been clarified. That dramatic incident raised questions about the training received by members of the security forces and about their excessive use of violence. Mistakes were obviously committed in situations of political strife, but when such mistakes occurred frequently, Governments must respond vigorously. The Committee would have appreciated a reply to its telegram. The Indonesian delegation could perhaps provide some clarification on the subject.

8. Mrs. SANTOS PAIS expressed regret that the Indonesian delegation had not provided in writing, in document CRC/C/4/WP.2, the information requested with regard to children in conflict with the law. Clearly, a number of countries were experiencing difficulties in that area. Indonesia should nevertheless take steps to comply with its obligations under articles 37 and 40 of the Convention. While she welcomed the provisions stipulating that only adults could be sentenced to life imprisonment or death, it was important to remember that girls over age 16 were considered adults as of the date or their marriage.

9. With regard to the dramatic incident that had occurred in East Timor, mentioned by the previous speaker, she pointed out that under the terms of article 2 of the Convention "States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction". The Committee was thus fully empowered to review the status of the rights of children in East Timor within the context of its consideration of the report of Indonesia.

10. She also asked for further clarification with regard to whether children in conflict with the law enjoyed prompt access to legal and other forms of assistance, as well as the right to challenge the legality of their deprivation of liberty before a court or other competent, independent and impartial authority. Was the process by which a complaint was filed with the official concerned really the best solution in cases of mistreatment? It would be preferable to create independent machinery which would allow young offenders to lodge complaints safely.

11. In her view, it was essential to facilitate the reintegration of the young offender into society and to give him a constructive role therein. In that context, where, in Indonesia, was the line drawn between educational and corrective programmes? Finally, as envisaged by the Beijing Consensus, regional consultations on the rights of the child and the administration of justice would surely prove useful.

12. Mgr. BAMBAREN GASTELUMENDI reminded the Committee that, according to the report of Indonesia, only adults could be sentenced to life imprisonment or death (para. 107). In that connection, what was the age of majority? He also requested clarification on the training received by staff responsible for the care of young offenders. Finally, he was troubled by the difference between the situation that prevailed in big cities - where institutions dealing with young offenders were more modern, where the State was closer at hand, and where the judges might be better - and that which prevailed in remoter areas of the country.

13. Mrs. EUFEMIO said that she too was concerned about the training given to personnel responsible for problems relating to the treatment of juvenile offenders. Like Mrs. Santos Pais, she wondered where the limit lay between educational activities and corrective ones. She was also surprised by the procedure whereby a complaint could be lodged with the warder himself, in case of ill-treatment. Indonesian children, whose education discouraged them from complaining, undoubtedly experienced serious difficulty in complaining under those circumstances. Lastly, she asked how social reintegration was achieved.

14. Miss MASON was surprised that, according to the report of Indonesia, a child aged under 16 who was found guilty could be returned to his parents (para. 106). If a problem arose, the best solution was certainly not to return to the point where it originally arose. In addition, she asked what preventive measures were adopted to help young offenders and ensure that they did not commit further offences. She asked whether there was any machinery to ensure that poor children had access to legal aid.

15. Mr. MOMBESHORA noted that the Indonesian delegation has stated that there was no law on refugees in Indonesia. He asked whether there were any refugees, either nationals or aliens, in Indonesia, and if so whether they settled there or merely passed through. In his view there ought to be a programme for the reintegration of refugees into society when they settled in Indonesia.

16. Mr. YAHYA (Indonesia) said that he considered the questions by Mr. Hammarberg and Mrs. Santos Pais about the tragic incident at Dili in East Timor out of order. The Committee on the Rights of the Child was not

authorized to address political issues. However, it should be made clear that the demonstration had not been entirely peaceful and that there had been troublemakers among the demonstrators. Following the incident, which the Government had on many occasions described as deeply regrettable, and in which a number of persons, including children, had died, Indonesia had set up a national committee of inquiry. Those who had broken the law, whether demonstrators or members of the law enforcement agencies, had been tried and sentenced.

17. Turning to the question of convicted juvenile offenders, he said that the authorities had adopted measures to facilitate their contacts with their families. There were rehabilitation centres which employed trained personnel, including psychologists and psychiatrists. In addition, as Indonesia was a deeply religious country, religious organizations played a leading role in rehabilitating juvenile offenders. Lastly, a special agency had been established to assist the rehabilitation and training centres.

18. In reply to Mrs. Belembaogo's questions, he said that under article 45 of the Penal Code, a judge could send a juvenile aged under 16 found guilty of an offence to his parents or guardians, who would punish him. He added that juvenile offenders received vocational training in specialized establishments, many of which were managed by NGOs or religious institutions. In that respect, Indonesia would be interested to know how countries that were more developed than itself provided vocational training for juvenile offenders.

19. In reply to a question by Mrs. Eufemio, he said that the influence of societal control in rural areas meant that there were virtually no juvenile offenders there. There were none the less a number of institutions for juvenile offenders in rural areas, whose personnel was undoubtedly less qualified than in similar institutions in towns. The Government of Indonesia was striving to train the necessary personnel. In reply to another question by Mrs. Eufemio, he said that although in isolated areas of Indonesia tradition forbade children from complaining, such was not the case in modern families, in which parents and children could engage in a constructive dialogue.

20. In reply to a question by Miss Mason on the reintegration of juvenile delinquents into their families, he said that families received assistance from a counsellor from a religious institution. In Indonesia most corrective and preventive measures were based on religion. The authorities endeavoured in particular to prevent the use of narcotics. He pointed out that the number of juvenile offenders in institutional care was quite low: approximately 3,000 out of the 65 million young people in Indonesia.

21. Mr. WIDODO (Indonesia) said that the observations made by the members of the Committee were particularly useful to the Government of Indonesia as the latter was currently drawing up a draft penal code and a new minors' code.

22. With regard to the regrettable and tragic incident referred to by Mr. Hammarberg and Mrs. Santos Pais, he pointed out that it was a political matter. However, his delegation assured the members of the Committee that the

Government was determined to take the requisite legal and administrative measures against those involved in the incident and to ensure that there was no repetition.

23. There were no refugees in Indonesia apart from the boat people. The Office of the United Nations High Commissioner for Refugees cooperated most constructively with Indonesia to bring about the economic development of the islands on which the refugees lived. The refugee problem should be solved by the end of the year. As a rule, if an alien entered Indonesia he had to comply with the laws on immigration. Lastly, he said that there were no internally displaced persons in Indonesia.

24. Mr. HAMMARBERG said that the Committee's concern about the 50 children who had been killed in the Dili massacre was not politically inspired; it was required to consider the situation of all children under the jurisdiction, whether de facto or de jure, of a State party. He asked for details of the sentences that had been handed down on those responsible for the massacre and of the instructions the Government of Indonesia intended to issue to the law-enforcement agencies to avert the repetition of such a tragedy.

25. Mrs. SANTOS PAIS fully endorsed the views expressed by Mr. Hammarberg. Although it was not within the Committee's purview to determine whether the children of East Timor were legitimately under Indonesian jurisdiction, it was however responsible, under article 2 of the Convention, for ensuring that Indonesia protected those children's rights, especially those set out in articles 15 and 37.

26. Moreover, as Indonesia had begun reform of its penal procedure, she wished to draw its attention to a number of instruments adopted by the United Nations that were of relevance, and in particular to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Code of Conduct for Law Enforcement Officials, the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, the United Nations Guidelines for the Prevention of Juvenile Delinquency, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Declaration on the Protection of All Persons from Enforced Disappearance, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The observance of those instruments should make it possible to prevent such tragic events as those which had taken place in East Timor. In conclusion, she invited the delegation of Indonesia to reply in writing to those questions it was unable to answer, for lack of time, at the current session.

27. Miss MASON said that she did not think that the delegation of Indonesia had replied to her question on the procedure followed by the courts when trying juvenile offenders. Moreover, as the courts only incarcerated juvenile offenders as a last resort, she asked to what other penalties they could be sentenced.

28. The CHAIRPERSON invited the delegation of Indonesia to reply to the observations and questions that had been asked concerning special protection measures for children.

29. Mr. WIDODO (Indonesia) said that the incident which had occurred in East Timor was primarily political, even though certain rights had been at stake. The demonstrators had included peaceful schoolchildren whose sincerity had been abused by political troublemakers opposed to the integration of East Timor. In that connection, he pointed out that East Timor was Indonesia's twenty-seventh province, and that the legislation in force there was the same as in the other provinces, particularly where the rights of the child were concerned.

30. He also emphasized that the Government of Indonesia had signed an agreement with ICRC to launch a programme designed to familiarize law-enforcement officials with the Geneva Conventions and humanitarian law. Lastly, in reply to a question by Miss Mason, he said that prevention was the leitmotif of Indonesian society, which was deeply religious. That view was shared by all Indonesians, be they Muslim, Hindu or Christian.

31. Mr. YAHYA (Indonesia) said that children in East Timor had the same rights as children living in the other provinces of Indonesia and that their situation had improved considerably, especially in the spheres of health and welfare.

32. Regarding the procedure for bringing juveniles before the courts, he said that proceedings were held in camera, that the judge wore ordinary clothes, that the accused's parents could attend the hearing and that, before opening the trial, the judge examined the child's physical, psychological, religious, educational and family background.

33. Mr. HAMMARBERG said that if children in East Timor had the same rights as those in any other of Indonesia's provinces then the delegation of Indonesia could not consider the Committee's questions regarding the enjoyment of those rights as out of order. The gravity of the massacre at Dili should not be underestimated, and everything should be done to prevent the repetition of such an incident.

34. It was proper to inform the law enforcement agencies of the Geneva Conventions and of the Convention on the Rights of the Child. However, it should be pointed out that those instruments were couched in legal and diplomatic language that was occasionally difficult to understand. For that reason, training should be provided to make those texts accessible to those responsible for their enforcement.

35. The CHAIRPERSON drew attention to subsections (c) and (d) in the section of the list of issues (CRC/C/4/WP.2) entitled "Special protection measures", containing issues Nos. 6 to 13, which read:

c. Children in situations of exploitation
(arts. 32, 33, 34, 35, 36 and 39 of the Convention)

6. Please provide written information about regulatory statutes and other instructions protecting the child from economic exploitation (art. 32 of the Convention).

7. What exactly is provided in the national law on minimum age for employment? Is there any legislation providing for penalties or other sanctions against employers who exploit minors?

8. Please provide in writing more detailed statistics on the employment of children and indicate in writing if there is any system of reporting by employers on working conditions for employed minors.

9. What are the difficulties explaining the non-participation of Indonesia in ILO Conventions relating to the minimum age for child labour?

10. Please indicate whether steps are taken to collect medical evidence about child workers suffering physically or mentally as a consequence of the use of their labour.

11. Please indicate any difficulties encountered and progress achieved in implementing article 32 of the Convention especially with regard to the priorities and specific goals established for its implementation.

12. Please provide information on the existence of and concrete measures to combat the exploitation of children including the sale and use of drugs; sexual exploitation and sexual abuse, including prostitution.

d. Children in minorities or indigenous groups
(art. 30 of the Convention)

13. Please provide information on children belonging to minorities or indigenous groups. What affirmative action is being taken to ensure that these children are not discriminated against in the enjoyment of their rights?

36. Mr. YAHYA (Indonesia), in reply to the questions, said that Act No. 1/1951 prohibited children under 15 from working. Ministerial Decree No. 1/1987 authorized children to work subject to the consent of their parents or guardians. It laid down restrictions on the employment of children, for example, in mines or on ships. Children could not carry heavy loads or be employed in the manufacture of certain substances. In addition, the Decree restricted the working day to four hours and prohibited night work of children.

37. According to some studies, in 1990 approximately two million children aged between 10 and 14 had been engaged in paid employment. That situation was essentially attributable to poverty; the Government was endeavouring to reduce the number in order simultaneously to diminish the harmful effects of

child labour. Since August 1993, it had been carrying out a study, in conjunction with ILO and UNICEF, into the impact of child labour. Child labour was not necessarily harmful, as he knew from his own experience. It could constitute a preparation for adult life. However, Indonesia was endeavouring to amend its labour legislation by raising the minimum age of employment to 16-17. Moreover, the nine-year cycle of compulsory education would be another means of preventing child labour.

38. Mrs. EUFEMIO noted that in Indonesia children could work with the permission of their parents. Under normal circumstances, it was the parents who should work, but occasionally they did not do so because financial difficulties had prevented them from acquiring the necessary skills. Undoubtedly, work could provide a child with a satisfactory preparation for adult life; but it was disturbing to note that in some cases the family itself was responsible for exploitation. The importance of religion did not prevent some adults from deviating from the principles and norms of society. She asked how it was possible to ensure that parental authorization did not in practice lead to exploitation and that in urban areas parents did not exploit their children. In rural areas, children helped adults in agriculture, and she asked whether there was a minimum age for agricultural work. She also asked whether children did not run the risk of exposure to chemicals employed in agriculture.

39. Mrs. BELEMBAOGO noted that, according to the report, prostitution and other pornographic activities were prohibited and gave rise to penal sanctions. She asked whether there was any specific legal provision covering cases in which children were the victims of prostitution or procuring, and whether in such cases the penalties for the culprits were harsher than if the victims were adults. The report also indicated that child prostitution and sexual exploitation were extremely rare in Indonesia. She asked whether that assertion was based on statistics or on the absence of complaints or disclosures. It was well known that child victims of sexual exploitation did not always have the opportunity or courage to lodge complaints.

40. Mr. HAMMARBERG said that child labour had become virtually universal. The phenomenon was also spreading, as was apparently the case in Indonesia according to the statistics. It was vital for legislation to lay down strict norms to ensure that children did not perform dangerous tasks or work that jeopardized their schooling or health. However, that was not sufficient: it was also necessary to establish economic and other conditions to permit families to comply with the law. However, there was a clear trend in many countries to disregard norms during periods of economic reform and as a result more and more children were compelled to live or to work in the street.

41. He commended the cooperation with the ILO referred to by the representative of Indonesia. The commitment of ILO in that sphere was cause for satisfaction, and it was to be hoped that it would encourage Indonesia to ratify a number of fundamental ILO Conventions, in particular that regarding the minimum age of employment. In the Committee's view, the ILO Conventions corresponded quite closely to article 32 of the Convention on the Rights of the Child - an article in respect of which Indonesia had not made any

reservations. He asked whether Indonesia considered that its current legislation was in conformity with article 32, and, if so, whether Indonesia might be expected to ratify the ILO Conventions.

42. Miss MASON stressed the need for realism. A family's economic circumstances occasionally made it necessary for children to work, and occasionally drove them on to the streets. She asked whether there were any measures to cater for street children. It was no secret that in every sphere there were always discrepancies between the provisions of the law and actual circumstances. While she accepted the fact that children worked, she would like to know why they did so. She inquired whether there were currently any provisions to define which activities were acceptable for children and whether there were any penalties for non-compliance therewith. She also asked whether there were any provisions covering leisure and educational activities.

43. Mgr. BAMBAREN GASTELUMENDI said that the exploitation of children was a serious problem in all the developing countries. According to the report of Indonesia (para. 109), over 2 million children aged between 10 and 14 had been in gainful employment in 1990. However, it was a fact that in some countries even younger children, occasionally aged from five to six, worked. He asked whether it was known how many children under age 10 worked in Indonesia.

44. He commended the Government's plan to compel factories employing children to provide them with education and health services. He asked what the situation was in the case of children who worked outside factories. Regardless of whether children worked in a family environment or in a factory, poverty was the same. He noted with satisfaction the importance of religion throughout society; however, in all countries where poverty was rampant, people occasionally had to set aside their religious principles in order to survive. Moreover, there were many countries where children were obliged to work and to live on the streets in order to survive. The report of Indonesia did not refer to that problem, and he asked whether it existed in Indonesia. Nor did the initial report address the exploitation attributable to the activities of international networks trafficking in children. He asked whether there was such a problem in Indonesia.

45. Mr. YAHYA (Indonesia) said that child labour was a worldwide phenomenon. In Indonesia, it was mainly attributable to poverty; for that reason the Government had as a matter of priority adopted measures to combat poverty. It was also endeavouring to adopt measures to mitigate the harmful consequences of child labour on the access of children to, inter alia, education and leisure. Working children did not have access to the usual educational and leisure services. On the basis of various studies carried out in conjunction with ILO and UNICEF, Indonesia was attempting to draw up a number of measures for rural and urban areas respectively. Indonesia would be pleased to draw on other countries' experience of the problem of child labour and to receive information on the measures they had taken, for example, in respect of street children. It had enormously benefited from studying the experience of the Philippines, where there was a sophisticated programme for street children; such was not the case in Indonesia.

46. Economic pressure was responsible for forcing parents to authorize their children to work. Nevertheless, the authorities could to a certain extent

prevent abuses. As a rule, children who worked without parental permission were more likely to become the victims of unscrupulous employers. A number of cases of economic exploitation of children had been brought before a special court. In the view of his delegation, the penalties to which the exploiters were liable (three months' imprisonment and a 10,000 rupiah fine) were still too lenient.

47. Accession to the Convention on the Rights of the Child had helped Indonesia to lay down suitable norms for improving the well-being of children. It was true that in rural areas children still participated in agricultural work. It was frequently extremely difficult to determine their age merely from their height. Children usually took part in the harvest and not in sowing, and were therefore not in contact with the dangerous chemicals employed to improve yields. In rural areas children usually worked with their parents' consent and learned about life's realities. It was no easy matter to teach the population that children should not work. It was to be hoped that the nine-year compulsory education cycle would help to prevent child labour. Moreover, penalties had been set for families which failed to comply with that obligation.

48. In reply to Mrs. Belembaogo's questions he said that prostitution was prohibited by the Penal Code, which established a range of penalties, including penalties for child prostitution. Prostitution existed, and it was extremely difficult to eliminate it anywhere in the world. Fortunately, there was no child prostitution in Indonesia.

49. In reply to Miss Mason's questions, he said that 15 per cent of Indonesia's population, i.e. approximately 27 million people, lived below the poverty line. It was difficult rapidly to remedy that situation. Indonesia was attempting to collect data on the scale of child labour and on its impact. The delegation of Indonesia hoped that with the cooperation of ILO and UNICEF it would be possible to obtain more precise data. Under the sixth five-year development plan special emphasis would be placed on children and adolescents.

50. In reply to another question, he said that it was compulsory for factories employing children to provide them with education and health services. The National Education Act provided for a type of out-of-school education that was mainly intended to reduce the school drop-out rate and to provide minimal services for children who had to work.

51. He had no figures relating to networks that exploited children. He was personally concerned about the problem and was studying the experience of his colleagues from other Asian countries such as Thailand and Myanmar, who were more knowledgeable about the issue on account of the networks that existed in the Golden Triangle. Any information on those networks would be welcome.

52. The CHAIRPERSON invited the members of the Committee to make general observations following the discussion with the delegation of Indonesia on the initial report (CRC/C/3/Add.10).

53. Mr. HAMMARBERG thanked the delegation of Indonesia for its forbearance and cooperation. He appreciated the appeal for cooperation it had made and its desire to benefit from the experience of others. The head of the

delegation had said that it might be possible to withdraw some of the reservations expressed by Indonesia about the Convention; the Committee would like that fact to be mentioned in the summary of the discussion with the delegation of Indonesia. The Constitution of Indonesia referred to the right to an education, but not to certain other rights set out in the Convention. The Committee hoped that their absence did not mean that they were not observed in view of the reservations expressed with regard to the Convention. In addition, the question of citizenship did not seem to have been sufficiently clarified.

54. The delegation of Indonesia had said that legislative reform was under way and had mentioned a document, written in Indonesian, which analysed the need for further consideration of existing legislation to bring it up to date and harmonize it with the Convention on the Rights of the Child. The Committee would appreciate more detailed information on the timetable for that reform and on the amendments planned. There might be potential for cooperation in that sphere, and Indonesia could benefit from the competence available internationally.

55. Regarding welfare expenditure, the delegation of Indonesia had stated that there had been problems but that new sums had been allocated under the development plans to ensure that the rights of children were observed. The question was of such fundamental importance that the Committee would appreciate more detailed information on the priority given to children in the development plans.

56. For lack of time it had not been possible constructively to address the question of children in conflict with the law. The Committee would appreciate written information on the subject. Lastly, the Committee should be prepared to devote more time to continuing the dialogue with the delegation of Indonesia if the latter so wished. This would enhance further the benefit obtained from the work done.

57. Mrs. BELEMBAOGO thanked the delegation of Indonesia for its receptiveness and the desire it had shown to cooperate closely with the Committee. However, she endorsed the requests for further details made by Mr. Hammarberg, as despite all its efforts the Indonesian delegation had only provided extremely general replies to some of the questions put. She also asked the delegation to provide written replies to the Committee's written questions which it had not been possible to deal with during the discussion.

58. She invited the delegation of Indonesia to continue to reconsider its reservations. The delegation had stated that there was no contradiction between the Convention and the Constitution. For precisely that reason, the Committee felt that all the other information provided orally in no way jeopardized the possibility of reviewing the reservations. Accordingly, it would be desirable for Indonesia to confirm its intention to become a full party to the Convention by considering withdrawing its reservations, as provided for by article 51 of the Convention.

59. In conformity with the obligation deriving from article 42 of the Convention, the Government of Indonesia had devoted considerable efforts to make the Convention widely known to adults through, inter alia, lawyers'

associations, women's organizations, medical societies and child welfare organizations. It could develop those efforts focusing them even more on children - who were the first concerned - rather than on adults.

60. Mrs. SANTOS PAIS thanked the delegation of Indonesia for its patience, openness and willingness to engage in a dialogue and for its desire to continue to cooperate with the Committee on the Rights of the Child and other United Nations organs. However, she reminded the delegation that States parties to human rights instruments were not merely required to submit a report on their implementation, but also undertook, pursuant to paragraph 7 of the general guidelines concerning the form and contents of initial reports which States parties were required to submit under article 44, paragraph 1 (a), of the Convention, to submit a "core document" covering the fundamental aspects of the application of human rights in their respective countries. Such a core document would make it possible for the Committee to develop a better idea of the situation in Indonesia.

61. In addition, she was concerned about the reservations that hampered the implementation of the Convention on the Rights of the Child and threatened to jeopardize the observance of human rights as a whole and to undermine the competence of the Committee on the Rights of the Child. However, she was gratified that the delegation of Indonesia had announced Indonesia's intention to re-examine its reservations about article 14 and consider their withdrawal. She hoped that the delegation would also continue to examine the reservations made in respect of other articles of the Convention. Indonesia should adopt all the necessary legislative measures to review its legislation and amend it in order to implement the rights recognized by the Convention, in conformity with article 4.

62. Greater involvement on the part of the population would perhaps make it possible better to follow up the implementation of the Convention. Consideration should also be given to participation by NGOs concerned with human rights without restricting their activities to the welfare field. In that connection, the credits for welfare (health and education) both locally and nationally should be increased to ensure that article 4 of the Convention was fully applied and to safeguard the best interests of the child. She was concerned that the children of aliens and stateless persons were not covered by the provisions of the Convention. She urged the delegation of Indonesia to request the authorities to review the minimum legal age for marriage, on the basis of article 2 of the Convention, which prohibited discrimination on grounds of sex.

63. Moreover, she wondered whether freedom of religion was observed, not only in view of the reservation made in that respect but also because the right could suffer no derogation. She cited in that respect the situation of the Baha'is, whose religion was not recognized by law.

64. In the sphere of juvenile justice, she deplored the absence of written information and of institutions for the protection of juveniles. She called on Indonesia to adopt urgent measures in that sphere. She was also concerned by the fate of child detainees aged under 18, who were frequently treated like adults. The new legislative reform of the juvenile justice should take into account the principles of the United Nations contained in the United Nations

Standard Minimum Rules for the Administration of Juverile Justice ("The Beijing Rules") and in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Finally, she deplored that the delegation of Indonesia had contented itself with referring to the political situation in East Timor, without addressing questions connected with the rights of the child.

65. Mgr. BAMBAREN GASTELUMENDI expressed to the Indonesian delegation his concern and hope - concern because Indonesia was a young country, even though its religion and culture were ancient, and it should take care to ensure that its development was not detrimental to the poorest, and in particular to children; and hope because Indonesia had ratified the Convention on the Rights of the Child and had thereby committed itself to protecting their rights.

66. Mrs. EUFEMIO said that the dialogue which had begun with the delegation of Indonesia was intended to ensure observance of the Convention on the Rights of the Child. Accordingly, she hoped that the National Council for Child Welfare Development would ensure that the provisions of the Convention were implemented throughout Indonesia. She pointed out that the report submitted by Indonesia could be completed by statistics reflecting the measures adopted within the framework of the Convention. The composite child welfare indicator might indeed provide an overall idea of the situation, but it was necessary to determine the extent to which each of the rights had been realized. Lastly, national plans should be completed to further the implementation of the Convention, bearing in mind the observations made by the Committee on the Rights of the Child subsequent to the first discussion on the basis of the initial report.

67. Mr. MOMBESHORA joined those members of the Committee who had thanked the delegation of Indonesia for having replied so diligently to the questions asked. Indonesia had shown its willingness to implement the Convention on the Rights of the Child by ratifying it and sending a delegation to the Committee. Nevertheless, the dialogue with the Committee could have been more beneficial if the report had contained more details. He was concerned by the question of budgetary funds. He noted with satisfaction that the percentage of the budget set aside for welfare had risen to 38 per cent, although he was not sure that the indicator reflected the actual importance given to welfare; a reference to GNP would give a better idea of Indonesia's commitment to welfare. According to UNDP, health expenditure only accounted for 0.9 per cent of GNP and public expenditure on education 2.5 per cent. Military expenditure surpassed expenditure on health and education combined (103 per cent). It would be desirable for international cooperation to seek to remedy that situation. In addition, he noted that religion had an extremely significant impact on Indonesians' everyday behaviour; however, care should be taken to ensure it was not misused. Lastly, he noted with satisfaction that Indonesia had undertaken to incorporate the provisions of the Convention into its development plan.

68. Miss MASON commended the rapidity with which the Government of Indonesia had ratified the Convention on the Rights of the Child and submitted its initial report. Indonesia clearly intended to discharge the commitments into which it had entered by virtue of the Convention, and it was to be hoped that the Beijing Consensus would be fully observed in Indonesia. However, it would

only be possible for the Committee truly to measure the progress made in the implementation of the Convention when it received the second report of Indonesia. Where specific measures were concerned, she commended the compulsory nine-year programme of compulsory education, which was designed to improve the living conditions of children. She hoped that the National Council for Child Welfare Development, which was composed of highly influential public figures, would spare no effort to ensure that the provisions benefiting children were fully implemented. She took note of the economic difficulties which the Government of Indonesia had to face as a result of structural adjustment and hoped that the allowances intended for children would not be cut. In addition, she welcomed Indonesia's willingness to reconsider its reservations, as there seemed to be no substantial difference between the articles of the Convention and the provisions of Indonesia's Constitution and law. She hoped that Indonesia would manage to preserve its customs and traditions while adjusting them to suit its needs. With regard to the administration of juvenile justice, she cautioned the Government of Indonesia against technological progress which threatened to introduce into Indonesian society practices against which children were defenceless. She was not convinced that religion and traditions provided them with sufficient protection.

69. Mr. KOLOSOV noted with satisfaction that the delegation of Indonesia was prepared to continue its dialogue with the Committee on the Rights of the Child without waiting for five years. He also took note of the efforts made by the Government of Indonesia to apply national legislation in a manner in conformity with the commitments it had entered into under the Convention on the Rights of the Child. It was, of course, necessary to take into account Indonesia's specific problems (the existence of 360 ethnic groups scattered throughout thousands of islands, poverty, etc.) which hampered the implementation of the Convention. Moreover, he was gratified that the family and community looked after the welfare of children, although he thought that the Government should play a more active role in that sphere. The Constitution of Indonesia did not appear to contain any provision running counter to the implementation of the Convention on the Rights of the Child. In his view, the Committee was in a position to formulate preliminary observations, and he requested the delegation of Indonesia to submit to the Committee, before the next session, all the information the latter had requested and to consider the possibility of meeting with the Committee after a year or a year and a half to allow the latter to draw up its conclusions.

70. Mr. HAMMARBERG wished to make a number of specific proposals. First of all, he invited the delegation of Indonesia to submit written information in response to the points raised, by the end of the year. Secondly, he requested the secretariat of the Committee to examine the possibility of remaining in touch with the delegation of Indonesia for the purposes of technical cooperation, as provided for by article 45 (b) of the Convention on the Rights of the Child. Lastly, he invited the delegation to submit additional information the following year, in order to permit the discussion that had begun at the current session to be concluded.

71. The CHAIRPERSON was gratified by the fruitful dialogue that had developed between the delegation and the Committee and by the efforts made by the delegation to reply to all the questions asked. In her view, Indonesia could

improve the situation of children and introduce the changes proposed by the members of the Committee, and there was no contradiction between national legislation and the Convention on the Rights of the Child, with the possible exception of the article on adoption, which was prohibited by Islam; however, even in that area other solutions were possible. She hoped that the Government of Indonesia would re-examine all its reservations to the Convention and consider withdrawing them. Pending replies by the Government of Indonesia to the various questions which it had not been possible to address, she thanked the members of the delegation for the constructive dialogue with which all the members of the Committee were satisfied.

72. Mr. YAHYA (Indonesia), speaking on behalf of his delegation, thanked the members of the Committee for the constructive dialogue. He took note of all the positive suggestions made by the members of the Committee and asserted that Indonesia was genuinely concerned about the protection of the rights of the child. Indonesia was perfectly aware that children were the most valuable asset of Indonesian society. However, the implementation of the Convention on the Rights of the Child still posed numerous problems. While Utopia might be useful, actual reality was more important. He hoped that Indonesia would succeed in implementing the provisions of the Convention despite the numerous difficulties it had to face. He said that Indonesia would submit additional written information on the points considered at the session and identify those areas offering opportunities for cooperation. It would reconsider the reservations it had expressed about certain articles of the Convention. The delegation of Indonesia accepted the Committee's invitation to a further meeting, either at Geneva or in Indonesia, to assess the progress made towards the enjoyment of the rights recognized by the Convention. Finally, he again thanked all the members of the Committee and hoped that the next meeting would be as constructive as the first.

73. The delegation of Indonesia withdrew.

The meeting rose at 1.20 p.m.